

**Case
Study
No. 5**

***An Analysis
of Current
Funding
Mechanisms
for Bicycle
and
Pedestrian
Programs at
the Federal,
State, and
Local Levels***



U.S. Department
of Transportation

**Federal Highway
Administration**

**National Bicycling
And Walking Study**



Foreword

This case study was prepared under contract for the Federal Highway Administration by the Bicycle Federation of America.

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**National Bicycling and Walking Study
FHWA Case Study No. 5**

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Mechanisms for Bicycle and
Pedestrian Programs at the Federal,
State, and Local Levels**

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Executive Summary

There is funding available for bicycle and pedestrian programs and facilities at the Federal, State and local Government levels. Public and private corporations can also assist with the funding and development of bicycle and pedestrian programs and activities.

There are a wide variety of sources of funding, which need to be better documented at the Federal, State and local level. The means by which these funds can be accessed needs to be better disseminated.

Individual bicycle and pedestrian projects usually involve multiple funding sources and require considerable coordination and opportunism from project managers. Bicycle and pedestrian coordinator positions at the State and local level can help ensure this degree of coordination takes place.

Although funds are available, there are few set-aside programs just for bicycle and pedestrian programs. Federal, State and local Governments must want to take the initiative to provide better conditions for bicyclists and pedestrians, and funds must be diverted from other potential transportation or recreation projects.

Services in kind (for example, developer dedications and mitigation work) can provide a great many bicycling and walking facilities at no direct cost to the local or State Government agency involved.

State and local agency policies, standards, and design guidelines can help ensure that bicycle and pedestrian facilities are built into the routine design and implementation of transportation projects. This prevents the need for costly retrofitting of safe facilities after projects have been completed.

Bicycle program activities are better documented than pedestrian programs. Bicycle programs are more likely to have developed separate budgets and programs because they have been in operation for more than 20 years. In another 15 years, pedestrian programs may be as sophisticated as bicycle programs are today.

Maintenance programs for bicycle and pedestrian facilities are rarely itemized in State or local budgets. The City of Seattle's Bike and Pedestrian Spot Improvement Program and the Oregon Bicycle Program's maintenance budget are notable exceptions.

Bicycling and walking could be encouraged as sensible, healthful, environmental, and economical modes of transportation and recreation by a wide range of Government agencies. Eligibility for the use of funds from these different agencies can be broadly construed to include bicycle and pedestrian facilities and activities.

The major sources of funds at the Federal level are:

- National Highway System. Bicycle and pedestrian facilities are an eligible activity for expenditure.
- Surface Transportation Program (STP) fund. Bicycle and pedestrian facilities are an eligible activity for expenditure.
- Transportation Enhancement Activities (TEA). Bicycle and pedestrian facilities and abandoned railroad corridor conversions to trails are two of the nine or 10 specific activities on which TEA funds must be spent. States must spend at least 10 percent of their STP funds on these TEAs.
- Bicycle facilities, including trails, over/underpasses, parking facilities, shelters, and vehicle racks improve access to transit services and enhance ridership. An exceptional 90 percent of the cost of such facilities are eligible for funding under three transit programs: Section 3, Discretionary and Formula; Section 9, Capital and Operating; and Section 18, Rural. Associated planning and research costs are eligible at normal matching ratios.
- Bicycle and pedestrian safety programs are priority areas for allocation of Section 402, Highway Safety Program funds.
- The Recreational Trails Trust Fund requires at least 30 percent of funds appropriated to the program to be spent on nonmotorized trail facilities. Any or all of a further 40 percent of the funds may be spent on nonmotorized trail facilities at the discretion of a State trails advisory board.

The major sources of funding at the State level are:

- Minimum allocations or set-aside programs. California, Oregon, Michigan, and Illinois all have specific funds that can only be spent on bicycle and pedestrian facilities. Oregon requires that 1 percent of transportation funds at the State and local level be spent on nonmotorized facilities.
- Department of Transportation budget allocations. Minnesota and North Carolina bicycle programs have developed multimillion dollar line-item budgets for expenditure on bicycle program activities and facilities. Florida has no specific

budget line item, but still invests millions of dollars per year in bicycle- and pedestrian-safe highway designs.

- Voters in California have created a wide range of transportation funds for transit and congestion relief programs, and bicycle and pedestrian facilities are usually included as eligible expenditures.
- At least eight other types of State agencies have provided funds other than a transportation department, including health, energy, ecology, and tourism departments.
- Ohio made extensive use of the old Federal funding mechanism, spending \$16 million of Section 217 funds out of a total national expenditure of these funds of approximately \$40 million over 20 years.

The major sources of funding at the city and county level are:

- Sales tax receipts. Many local Government agencies supplement Federal and State transportation funds with their own sales and gasoline taxes, and these funds can often be used for bicycle and pedestrian facilities. San Diego County has one of the largest single sources (\$1 million per annum) of sales taxes dedicated to these activities.
- Mitigation measures and developer dedications. A great many bicycle and pedestrian provisions around the country have been developed as a result of larger development projects incorporating such facilities, or because the bigger projects have required substantial mitigation measures.
- Transportation Department funds. The largest source of funds for bicycle and pedestrian activities comes from the regular transportation budgets of cities and counties. These funds may comprise sales tax receipts, motor vehicle registration fees, gasoline taxes, and transportation bond issues. Federal and State funds are also utilized.
- Other local agencies, such as Parks and Recreation Departments, also provide a significant source of funds.

Registration and licensing of bicyclists has not developed into a significant source of funds for bicycle and/or pedestrian projects. No form of pedestrian licensing or registration has been developed.

Bicycle and pedestrian advocates at the State and local levels must ensure that adequate funding is devoted to providing for bicyclists and pedestrians. Only then will the two modes be viable, safe, and attractive modes of transportation for a substantial portion of the population.

Introduction

In October 1990, Congress appropriated \$1 million for a National Bicycling and Walking Study, to be carried out by the Department of Transportation. The aim of the study is to determine the potential of bicycling and walking as a modes of transportation in the United States, and to determine the costs and actions necessary to realize this potential.

A significant part of the study is dedicated to finding out how State and local governments already deal with bicycling and walking, as this will help identify the issues and problems associated with promoting these modes.

One of the most significant perceived barriers is the availability of funds for bicycle and pedestrian facilities and program activities, especially at a time of Federal, State, and local budgetary constraint. Despite this, a number of communities continue to invest millions of dollars to improve conditions for bicyclists and pedestrians.

In carrying out the National Study, the Federal Highway Administration commissioned a number of detailed case studies. One of the case studies deemed necessary was an analysis of the funding mechanisms and opportunities for bicycle and pedestrian programs at the Federal, State, and local level.

The aim of this case study has been to identify the many different ways State and local governments have funded facilities and programs for the benefit of bicyclists and pedestrians, and to present the information in such a way that Government agencies and those advocating better facilities and programs can easily see how it has been done.

Different communities will have different opportunities and different financial issues. However, the study is intended to provide a sufficient wide menu of funding techniques that every community will be able to gain inspiration, ideas, and hard data from one or more of the examples provided.

Wherever possible, the study provides examples of each of the funding mechanisms utilized by Government agencies, private companies, and user groups, together with details of the projects that have been funded.

1. A Review of Existing Funding Sources and Opportunities for Bicycle and Pedestrian Programs

The city of Seattle is recognized throughout the United States as a bicycle-friendly city.¹ The city government has a full-time staff of six working on bicycle and pedestrian program activities, and as a consequence, provides an excellent example for other governments to follow. This is certainly true for the way in which they have developed funding mechanisms to create the bicycle and pedestrian infrastructure for which the city is well known.

One of the three major bicycle and pedestrian corridors in the city is the Duwamish Trail. Sections of this trail have been funded from as many as 17 different sources—Federal, State, local, public, and private. The bicycle and pedestrian coordinator in the city believes there is no shortage of money available for good projects,² it is a question of finding the right sources at the right time. Securing 17 different funding sources for one project is a feat of coordination and opportunism that is certainly extraordinary—but securing multiple sources of money for individual projects is not uncommon at all. Indeed, when Federal transportation funds are used, States are usually required to come up with at least 20 percent matching funds themselves.

There is no shortage of funds available for transportation projects. Close to \$75 billion is spent annually on highway construction and maintenance in the United States by Federal, State and local government agencies.³ Much of this money is eligible to be spent on bicycle and pedestrian programs, or on facilities that adequately accommodate bicyclists and pedestrians. State highway and transportation departments always have considerable budgets—but may not choose to spend funds on bicycle and pedestrian provisions, as they have so many competing concerns.

Thus for many communities the question is not “Is there any money for this project” but “How can I get funds allocated to this project?” To successfully answer this, Government agencies and bicycle and pedestrian advocates need to know the full range of funding opportunities that exist, and they need examples of how these sources of funds have been used by others.

The following sections will detail the Federal, State and local funding sources available for bicycle and pedestrian programs. The first section on Federal sources contains details of the new Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which altered the availability of funding for bicycle and pedestrian activities quite substantially.

Some of the language in the new legislation has yet to be interpreted and implemented. As it is so new, no examples exist of activities that have been funded under the new mechanism. Thus, although the old system of funding is now redundant, a full description of the process is provided as an appendix. In addition, examples of how States have funded bicycle and pedestrian program activities will include details of the old funding mechanism.

Section 1: Federal Sources

U.S. Department of Transportation

In February 1990, the Department of Transportation issued “Moving America: New Directions, New Opportunities,” a new statement of national transportation policy.⁴ Included in the list of Federal transportation policies is a commitment to:

“Promote increased use of bicycling, and encourage planners and engineers to accommodate bicycle and pedestrian needs into designing transportation facilities for urban and suburban areas.”

“Increase pedestrian safety through public information and improved crosswalk design, signaling, school crossings, and sidewalks.”

This represented the most explicit statement of support for encouraging bicycling and walking for transportation by the Federal Government for many years, and was developed further by Federal Highway Administrator Tom Larson in September 1990 when he wrote:

“Bicycling and walking are two overlooked options in our national transportation mix. The FHWA is committed to working with the States to encourage their use and make them safer.”

These were the opening words of an FHWA brochure designed to better explain the ways in which Federal-aid highway program funds could be used to improve conditions for bicyclists and pedestrians.⁵ The act of publication itself was a demonstration of renewed commitment to the nonmotorized modes, and although the details of the program have been changed by the ISTEA, many of the principles explained in the brochure remain current.

The Intermodal Surface Transportation Efficiency Act of 1991

In 1991, Congress re-authorized the collection and distribution of the Federal gasoline tax and related surface transportation spending programs. The 1991 legislation was seen as particularly significant as the Interstate System—the focus of the last 30 years of Federal transportation investment—nears completion and the “post-interstate” era begins.

The new legislation provided the opportunity to rethink transportation priorities and philosophies. Among the new concepts in the legislation are:

- **Intermodalism:** the focus is on connectivity between transportation systems and services, whatever the mode.
- **Transportation Efficiency:** a variety of incentive programs and planning processes are designed to maximize use of the existing transportation infrastructure, and to develop the most efficient and effective means of solving transportation problems.
- **Funding Flexibility:** States and—to a more limited degree—metropolitan areas are provided greater freedom to spend their Federal transportation funds on highways, transit, ridesharing, bicycling, and walking.
- **Planning:** ISTEA strengthened the role of State and local planning considerably.

In addition, the new legislation created a wide range of funding opportunities for bicycle- and pedestrian-related activities.

1) Section 1006 (d)(i)(10): National Highway System.

States may spend their allocation of National Highway System funds on a range of eligible activities listed in the legislation. One such activity is the provision of bicycle and pedestrian facilities, in accordance with Section 217.

More than \$3.5 billion will be disbursed to the States annually under this program, which is primarily designed to fund the upgrading and improvement of 150,000 miles of Interstate and U.S. numbered routes.

National Highway System	\$3,003 million	1992
	\$3,599 million	1993-95
	\$3,600 million	1996-97

Section 1033 of the new legislation, which amends the old Section 217 funding provisions, states:

“(b) .. a State may obligate funds apportioned to it under Section 104 (b)(1) of this title for construction of bicycle transportation facilities on land adjacent to any highway on the National Highway System (other than the Interstate System).”

This section singles out the use of NHS funds for bicycle facilities on land adjacent to highways that are part of the National Highway System. Pedestrian facilities are included by virtue of Section 1006 (d)(i)(10).

Contact: FHWA Division Offices in each State for details.

2) *Section 1007 (a)(1)(b)(3): Surface Transportation Program.*

States may spend their allocation of Surface Transportation Program funds on a range of eligible activities similar to that of the National Highway System. Bicycle and pedestrian facilities are listed among the eligible items.

More than \$4 billion will be allocated to States under this program each year, and the funds can be used for almost any transportation project—transit or highway—deemed necessary by the States and metropolitan planning organizations involved in transportation planning and programming.

Surface Transportation Program	\$3,418 million	1992
	\$4,096 million	1993-95
	\$4,097 million	1996-97

Section 1033 (a) further details this eligibility:

“(a) Subject to project approval by the Secretary, a State may obligate funds apportioned to it under Sections 104 (b)(2) and 104 (b)(3) of this title for construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe bicycle use.”

Note that nonconstruction bicycle projects and pedestrian projects are explicitly mentioned as being an eligible activity for these funds, in contrast to the NHS funds.

Contact: FHWA Division Offices in each State.

3) *Transportation Enhancement Activities.*

In addition to funding incidental bicycle and pedestrian projects as part of larger transportation projects, Section 1007 (b)(2)(C)(c) creates a new category of transportation enhancement activities (TEA) on which States must spend at least 10 percent of their Surface Transportation Program funds.

TEAs are defined as:

“... with respect to any project or the area to be served by the project, provision of facilities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs,

landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures or facilities including historic railroad facilities and canals, preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, and mitigation of water pollution due to highway runoff.”

Contact: FHWA Division Offices in each State.

4) *Sections 1024 and 1025: The Planning Process.*

For the most part, National Highway System and Surface Transportation funds are allocated to State Transportation Departments, where the decisions are made as to how the funds are to be spent. The Federal Government does not allocate the funds to specific projects itself.

For a bicycle or pedestrian project to be funded, therefore, it must appear in the list of potential projects under consideration at the State or metropolitan level.

The new ISTEA strengthens the planning process at the State and metropolitan level and tries to ensure that bicycle and pedestrian improvements are included in the planning and programming documents to be developed at the State and metropolitan level. The opportunity for public participation in the planning process is also made explicit:

“Section 1024 (g)(4) Participation by Interested Parties: Before approving a long-range plan each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation and other interested parties with a reasonable opportunity to comment on the long-range plan, in a manner that the Secretary deems appropriate.”

A similar requirement is identified for the development of the Metropolitan Planning Organization (MPO) transportation improvement program and the State long-range transportation plan.

Each metropolitan area must develop an annual or biannual Transportation Improvement Program (TIP) that “shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system.” (Section 1024 (a)).

Metropolitan TIPs must be based on available funding for projects in the program—i.e., there must be a realistic chance of the project being funded—and they must be coordinated with transportation control measures to be implemented in accordance with

Clean Air Act provisions. Final project selection will rest with the State transportation department.

In metropolitan areas with more than a 200,000 population, the MPOs will be able to select the projects for implementation themselves, unless the projects are part of the NHS, Bridge, or Interstate Maintenance programs, or pursuant to the Federal Transit Act, in which case the responsibility rests with the State.

At the State level, the requirement to incorporate bicycle and pedestrian consideration is even more explicit. Not only must State TIPs include consideration of bicycle and pedestrian provisions (Section 1025 (a)), but:

Section 1025 (c)(3): State plans shall “consider strategies for incorporating bicycle transportation facilities and pedestrian walkways in projects, where appropriate, throughout the State.”

Section 1025 (e): States are required to “develop a long-range plan for bicycle transportation facilities and pedestrian walkways for appropriate areas of the State, which shall be incorporated into the long-range transportation plan.”

These two provisions are crucial for getting incidental bicycle and pedestrian projects funded. The intent behind these sections is to ensure that if bicycle and pedestrian facilities are identified in a TIP or long-range plan as being necessary in a corridor, and construction or reconstruction work in those corridors is planned, the relevant bicycle and pedestrian improvements called for in the planning documents must be included and implemented.

The opportunities are not limited to bicycle and pedestrian projects that are part of a larger transportation project, nor to just construction projects. Independent bicycle and pedestrian projects, such as trails away from existing highway corridors, and nonconstruction projects, such as mapping, also need to be incorporated into State and metropolitan area planning documents if they are to be funded.

The new Section 1033 contains other important paragraphs that affect the availability and allocation of funds for bicycle and pedestrian projects.

Paragraph d) states that, for the first time, Federal funds may be used to pay for bicycle program staff. Every State transportation department is required to have a bicycle and pedestrian coordinator, and Federal funds shall be used for this purpose. Eighty percent of the funds can come from the Federal Government and 20 percent must be found by the State.

Paragraph f) states that the Federal share for bicycle transportation facilities and pedestrian walkways shall be 80 percent. The remaining 20 percent of the funds must be matched by the State or local government agency implementing the project.

This, too, is an important departure from the past. States used to receive 100 percent Federal money for "independent" bicycle and pedestrian projects. Now they must provide matching funds.

For some States, such as Ohio, Vermont, and Washington, DC, this may cause problems. They were among the few States utilizing the old Section 217 funding mechanism for independent projects. For the majority of States, however, the attraction of the 100 percent Federal match was not successful in encouraging them to invest in bicycle and pedestrian facilities.

Paragraph i) states that a bicycle transportation facility must be principally for transportation rather than recreation purposes. This has been defined by the FHWA to mean:

"Where Federal-aid highway funds are used, these projects should serve a transportation function. A circular recreation path, for example, would not be eligible. However, any type of facility which does serve a valid transportation need while also fulfilling recreation purposes would be eligible."⁶

Paragraph j) states that a bicycle transportation facility means:

"new or improved lanes, paths or shoulders for the use of bicyclists, traffic control devices, shelters and parking facilities for bicyclists."

No definition of pedestrian walkways is provided.

5) *Section 1032: Federal Lands Highways Program.*

Provision for pedestrians and bicycles is listed as an eligible activity for the use of highway funds allocated to the Federal land management agencies such as the National Park Service and Bureau of Indian Affairs. These agencies manage a considerable amount of public land over which highways travel.

Funds authorized annually for the Federal Lands Highways Program are:

Indian reservation roads:	\$159 million	1992
	\$191 million	1993-97
Public Lands Highways	\$143 million	1992
	\$171 million	1993-95
	\$172 million	1996-97
Parkways and park highways	\$ 69 million	1992
	\$ 83 million	1993-95
	\$ 84 million	1996-97

As these funds are allocated to other Federal agencies, there is no matching requirement.

6) *Section 1047: National Scenic Byways Program.*

This section creates a national scenic byways program with an annual allocation of \$10 million for each of the first 3 years. The funds may be spent on a range of activities including:

“construction of facilities along the highway for the use of pedestrians and bicyclists.”

Contact FHWA Division Offices in each State.

7) *Section 1302: Symms National Recreational Trails Act.*

\$30 million has been authorized annually for the creation of a trust fund for the construction and maintenance of recreational trails. No funds were appropriated for Fiscal Year 1992 (FY92) and the Administration has requested a \$15 million appropriation in the FY93 budget.

At least 30 percent of the funds must be spent on trails for nonmotorized users, and at least 30 percent must be spent on trails for motorized users. The remainder is to be allocated to projects as determined by the State recreational trails advisory board—which a State must have to become eligible for the funds.

A Contact in each State is established by the Governor.

8) *Section 1008: Congestion Mitigation and Air Quality Program (CMAQ).*

Close to \$1 billion is set aside by ISTEA for each of the 6 years of legislation to be spent on programs and projects likely to contribute to the attainment of national ambient air quality standards under the 1990 Clean Air Act Amendments.

CMAQ Program (annually)	\$ 858 million	1992
	\$1,028 million	1993-95
	\$1,029 million	1996-97

On February 20, 1992 the Federal Highway Administration issued interim guidance on implementation of the CMAQ Program. Five areas of eligibility are listed, including:

- Transportation activities in an approved State Implementation Plan (SIP) developed under the Clean Air Act.
- Transportation Control Measures listed in Section 108 (b)(1)(A) of the Clean Air Act, which includes:
 - “(ix) programs to limit portions of roadway surfaces or certain sections of the metropolitan area to the use of nonmotorized vehicles or pedestrian use, both as to time and place;
 - “(x) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists in both public and private areas; and
 - “(xv) programs for new construction and major reconstruction of paths, tracks or areas solely for the use by pedestrians or other nonmotorized means of transportation, when economically feasible and in the public interest.”
- “Construction of bicycle and pedestrian facilities, nonconstruction projects related to safe bicycle use and State bicycle/pedestrian coordinator positions as established in the ISTEA, for promoting and facilitating the increased use of nonmotorized modes of transportation. This includes public education, promotional and safety programs for using such facilities.”

Every State will receive at least \$4 million each year under this program. Those with nonattainment areas will receive considerably more. To be funded under this program, projects and programs must come from a transportation plan (or transportation improvement program) that conforms with the SIP, and must be consistent with the conformity provisions of Section 176 of the Clean Air Act.

9) Section 2001: Highway Safety Programs.

The operation of Section 402 of Title 23, U.S.C. was little changed by the ISTEA. The highway safety program is a noncapital safety project grant program under which States may apply for funds for certain approved safety activities. There is a priority list of projects for which an expedited funding mechanism has been developed, and since

October 4, 1991, bicycle and pedestrian safety programs have been included in this list of priority areas.⁷

Highway Safety Program (NHTSA, annually)	\$126 million \$171 million	1992 1993-97
Highway Safety Program (FHWA, annually)	\$ 17 million \$ 20 million	1992 1993-97

States wishing to receive money for work in this area must:

- Include an overview of identified highway safety problems in the State in its annual Highway Safety Plan.
- Describe problems in relation to bicycle and pedestrian safety, the proposed countermeasures, and the data used to make such a determination.
- List the proposed programs chosen to implement the countermeasures, and the reason for their choice.
- Evaluate the programs from the previous year and include an evaluation in the annual Highway Safety Plan.
- Have the plan approved by NHTSA/FHWA.

For program activities not on the list of priority areas, the reporting and application requirements are more rigorous.

Even though bicycle and pedestrian safety has not been on the priority list, some State and local governments have successfully applied for Section 402 Highway Safety Program funds.

The State of Florida estimates that throughout the 1980s an average of \$100,000 a year of these funds were spent on bicycle program activities.⁸ In recent years the State has concentrated more on pedestrian safety activities, and in 1990-91 obtained \$45,000 to develop a pedestrian facilities training course and to operate a statewide Pedestrian Task Force to identify and address pedestrian safety problems and issues.

In 1991-92, the State received \$85,000 to implement the pedestrian facilities training program across the State and to continue the work of the Task Force.⁹ Applications have been submitted for the coming year for \$50,000 to fund two major public information and education programs in county jurisdictions. Brevard County is seeking funds to develop a video on pedestrian safety to be used in Drivers' Education classes, and in Volusia County a cooperative effort with the Sheriff's Department is planned to

deal with pedestrian safety during Spring Break celebrations—when alcohol-related accidents among pedestrians from out-of-state become a real problem.

In 1991, the Illinois Department of Transportation used \$7,000 of Section 402 funds to organize a two-day bicycle and pedestrian program training course for representatives of all their highway districts. The Bicycle Federation of America performed the training, which focused on engineering and education strategies for promoting bicycle and pedestrian safety.

Periodically, NHTSA has one-time funding opportunities available. For example, in 1990-91 a special program for school transportation services and pupil transportation was created. The Wisconsin Department of Transportation used these funds to produce “Badger Bicycle Tips,” a bicycle safety publication, and a pedestrian safety brochure about a family called “the Walkers.”

Wisconsin DOT has also used Section 402 funds to pay for a bicycle and pedestrian safety coordinator.¹⁰

Contact: The State’s Governor’s Highway Safety Representative.

10) Section 2003: Highway Safety, Research, and Development.

The Secretary of Transportation is authorized to engage in research on all phases of highway safety and traffic conditions under this section, which rewrites the Section 403 program. In addition, the Secretary may use these funds for:

- training and education of highway safety personnel;
- research fellowships in highway safety;
- development of improved accident investigation procedures;
- emergency services plans;
- demonstration projects; and
- related research and development activities deemed by the Secretary to promote the purposes of this section.

For each year of the legislation NHTSA is authorized to spend up to \$44 million, and FHWA up to \$10 million.

Over the last two years, NHTSA has awarded a total of 12 comprehensive pedestrian safety demonstration grants to communities across the country, and a further two traffic

enforcement program grants using these funds. Most recently, \$30,000 grants were awarded to the cities of Seattle, Phoenix, Boston, and Burlington, Vermont, and to the Utah State Health Department for projects to improve pedestrian safety through education, police enforcement, and traffic engineering (the traditional three E's of bicycle and pedestrian safety). These programs are often run by local community traffic safety programs (CTSP).

These programs are often run by existing local CTSPs. The grants are made by both FHWA and NHTSA, and funding is matched with State, local, or private money.

Contact NHTSA.

II) *Federal Transit Act.*

Section 25 of the 1964 Urban Mass Transportation Act states that:

“For the purposes of this Act a project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in and around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be deemed to be a construction project eligible for assistance under sections 3, 9, and 18 of this Act.”

This section remained unchanged by the ISTEA. The Federal share for such projects is 90 percent, and the remaining 10 percent must come from sources other than Federal funds or fare-box revenues.

The largest outlay of Federal Transit Administration funds for bicycle parking at transit facilities was a \$300,000 investment in the purchase and installation of more than 200 lockers at all the stations along the Metro Dade Transit System in Miami, Florida.

The city of Madison has spent \$5,000 of FTA funds in providing bicycle parking close to major bus stops.

Contact: Franz Gimmler, Federal Transit Administration.

The Department of the Interior

Land and Water Conservation Fund.

Twenty-six years ago Congress created the Land and Water Conservation Fund (LWCF) with the intention of providing a substantial and reliable source of funding for Federal land acquisition of recreation areas and the development of recreational facilities by State agencies.

Spending is authorized up to almost \$1 billion each year, but actual appropriations have not approached that level since 1978, when \$805 million was distributed. In 1990, only \$230 million was appropriated.

Over the years the focus has shifted towards Federal land acquisition. The State portion of the LWCF has diminished to only \$20 million per annum in the last 2 years. In 1992 the Administration has asked for \$55 million for the State side of the program.

Two important criteria must be met for projects to receive LWCF funds. First, the facility must be primarily for recreation purposes—and not transportation purposes. Secondly, the agency leading the project must guarantee that any project acquired or developed must be maintained in perpetuity for public recreation use, according to Section 6(F)(3) of the initial legislation.

The process by which projects are selected for LWCF funding involves the following stages:

- An application must be submitted to the State agency—usually the Department of Natural Resources or Recreation Department—charged with administering LWCF funds. Each state has a State Liaison Officer (SLO) who oversees this process.
- The application will be considered against all other submissions on the basis of criteria determined by the State agency. Usually the ratings will reflect priorities for recreation facilities outlined in State Comprehensive Outdoor Recreation Plans (SCORP), or may be influenced by a desire to invest the funds in areas that have not received funds before, or in places with a good track record of using LWCF funds.
- From the list of submissions, and based on the rating criteria above, the SLO will decide which projects to submit to the National Park Service (NPS) for approval. This will, of course, be based on the amount of funds available to the State in any given year. This is determined by a population-based formula.

A wide range of recreational facilities have been developed with LWCF funds, including bicycle and pedestrian projects. The Washington and Old Dominion Trail in Northern Virginia,

the Stowe Recreation Path in Stowe, Vermont, and the Camels Hump Barrier-free Trail in Vermont have all received some LWCF funds in the past.

Contact: National Park Service or State Liaison Officer

Rivers, Trails, and Conservation Assistance Program

The Recreation Resources Assistance Division of the National Park Service has a technical assistance program that received an appropriation of \$4 million for fiscal year 1992. The Administration has asked for \$8 million for FY 1993.

Local agencies or community groups may apply through the NPS regional offices to obtain technical assistance to help plan, develop, and manage recreation facilities such as abandoned railroad conversions to trails and greenway activities.

Typical assistance per project is around \$50,000 and is not available for construction or maintenance uses. The NPS has received as many as 330 applications for assistance for FY 1992 and will most likely only be able to take on 100 of these projects.

Contact: Regional National Park Service office, or the Rivers, Trails Conservation Assistance Program staff in Washington, DC.

Congressional Appropriations

In recent years individual members of Congress interested in promoting specific trail or bicycle facilities or other initiatives have started to use the annual Appropriations process and surface transportation legislation to obtain funds.

For example, the 1991 ISTEA contains five bicycle-specific "Congestion Relief Projects":

- \$1 million for a study and construction of the Davidson-Williamson bikepath in Nashville, Tennessee;
- \$400,000 for a feasibility study into the construction of a bicycle network in Murfreesboro, Tennessee;
- \$1.2 million to plan and construct a bicycle and pedestrian facility connecting Arlington, Cambridge, and Boston, Massachusetts;
- \$1.5 million for a bicycle transportation project in Milwaukee and Waukesha counties, Wisconsin; and
- \$3 million for the H-Connector trail from Greene County to Dayton, Ohio.

“Urban Access and Mobility” Projects:

- \$5 million for pedestrian (and traffic) improvements to Memorial Boulevard, Providence, Rhode Island.

“Rural Access” Projects:

- \$8 million for an elevated walkway on a new bridge in Rutherford County, Tennessee.

The Appropriations Committee has also agreed to funding for bicycle- and pedestrian-related projects.

1991

- \$50,000 for a National Bicycle Program Manager in DOT; and
- \$1 million to undertake the National Bicycling and Walking Study.

1992

- \$850,000 for a trail project in Macomb County, Michigan; and
- \$2.5 million for bike facility improvements in North Miami, North Miami Beach, and Aventura, Florida.

Miscellaneous Sources

In addition to these more easily identifiable sources of funds for bicycle and pedestrian projects, there are a wide range of other opportunities for funding that may be one-time sources of money or isolated examples of funds being used for these purposes. This list is not exhaustive, but does give a good impression of the range of funding available from sometimes unexpected sources.

The **Center for Disease Control (CDC)** has undertaken a \$200,000 research project in three Florida communities to determine the effectiveness of different bicycle helmet promotion strategies among children. The CDC has a continuing interest in helmet use.

A significant amount of helmet promotion has been undertaken by the National Safe Kids coalition, whose primary sponsor is **Johnson and Johnson**. At the State and local level Safe Kids coalitions engage in a variety of activities in support of bicycle safety and helmet promotions, including some fundraising.

The **Environmental Protection Agency** produced a small range of bicycle commuter encouragement materials in the early 1980s, and has the potential to fund bicycle-related projects from money collected in settlements with polluters. However, this remains a potential source of funds.

The Clean Air Act does not provide any direct funding for bicycle- and pedestrian-related activities, but does list them as transportation control measures. See the section on the Congestion Mitigation and Air Quality Program.

Section 2: State Sources

There are almost as many different mechanisms for funding bicycle and pedestrian programs at the State level as there are States. Approaches vary from an almost total absence of funding in States such as Mississippi, to extensive use of Federal funds in Ohio, to the dedication of exclusively State-generated funds to bicycle and pedestrian improvements in Oregon and Michigan.

Construction and Maintenance Funds

In almost every case where States have supported bicycle and pedestrian programs, the funding does not come from a sole source or a source that is immediately identifiable. In the examples given below, we have highlighted the different approaches employed by States to generate the majority of funds used to construct facilities for bicycle and pedestrian use.

Extensive Use of Federal Funding Opportunities

A small number of States utilized the old Section 217 funding mechanism under which they were entitled to spend up to \$4.5 million of their Federal-aid highway program funds, each year, on independent bicycle and pedestrian facilities.

From the inception of the program in 1973 to September 30, 1991, only 21 States availed themselves of this opportunity. Over that period a total of \$40,727,635 was spent on projects ranging from drainage grate replacement to major greenway and trail facility developments.¹¹

The State of Ohio used more than \$16 million of Federal funds under the Section 217 program, including more than \$12 million in the last 3 years (1989-1991). This represents almost 45 percent of the total spent by all States.

Projects are submitted to the Ohio Department of Transportation (ODOT) by their District offices, or are originated in the Bicycle Transportation Administration of ODOT. From 1984 to 1990, 44 individual projects were funded with Federal funds, including:

- 26 miles (42 kms) of trails converted from abandoned railroad corridors at a cost of \$3.5 million;
- 25.6 (41 kms) miles of bicycle routes, lanes, and paths developed;
- \$2.5 million spent on installing bicycle-safe drain grates; and
- \$850,000 spent on public information and education materials including bicycle route maps and public service announcements relating to bicycle safety. ODOT purchased copies of the Complete Bicycle Education Program for every elementary school in the State (3,500) from the Bicycle Federation of America.¹²

The funds used by ODOT for these bicycle projects were 100 percent Federal—but the money would otherwise have been eligible for expenditure on highway projects within the State. The Governor and Secretary of Transportation in Ohio decided to use the full allocation of bicycle and pedestrian funds as a matter of policy. The 100 percent Federal share has been reduced to 80 percent Federal and 20 percent State matching funds under the new ISTEA.

Contact: Sharon Todd, Ohio State Bicycle Coordinator, ODOT, 25 South Front St., #418, Columbus, OH 43215

The Governor of Vermont announced a similar policy in 1991.¹³ He asked local communities in the State to submit projects to the State Department of Transportation to use \$1 million of Section 217 funds for trails and greenways. The intention was to increase this to the maximum of \$4.5 million in 1992. In 1991, just two Vermont communities met the deadline for submissions and applied for a total of \$557,000 of Federal funds.

Contact: Vermont DOT, 133 State St., Montpelier, VT 05602

State Legislative Mandate

1) Minimum allocation of funds

Three States (OR, MI, and WA) have mandates that require city and county governments to spend a minimum amount of their transportation funds on bicycle and pedestrian provisions.

Oregon. In 1971 the Oregon State legislature passed ORS 366.514, the first “bicycle bill” in the country. The legislation provides that at least 1 percent of State highway fund monies must be allocated to the development of footpaths or bikeways. In 1991, this amounted to \$2.8 million at the State level and \$1.75 million at the city and county level.

These funds are generated by the State gasoline tax. The bicycle program does not utilize Federal funds for bike projects (except for a \$146,000 project many years ago).

The State Department of Transportation allocates at least 50 percent of these funds to spend exclusively on bikeways, and a further 10 percent is given by way of direct grants to cities and counties for bikeway projects. In addition to administration costs and preliminary engineering expenses for bikeway projects, approximately \$100,000 is allocated to maintenance costs.¹⁴

The figure for maintenance costs is, however, difficult to determine, according to bicycle program staff. For many years the bicycle program did not spend close to the \$100,000 allocated for maintenance, as maintenance crews either did not do any bikeway maintenance or simply did not charge shoulder bikeway sweeping to this fund.

However, the bicycle program would like to have more control over the sweeping and maintenance program—so that more attention can be given to clearing bike lanes and shoulders—and is encouraging crews to charge bikeway sweeping to this account.

The funds must only be used for facilities within a highway right-of-way. Since the creation of the bike program in 1971 more than 530 miles (850 kms) of bikeway have been constructed due to the work of the program. This does not include the 370-mile (600-km) Oregon Coast Bike Route and many miles of improved highway shoulders that serve as bikeways.¹⁵

Michigan. One year after the Oregon legislation was passed, the State legislature in Michigan established essentially the same funding mechanism with an amendment to Act 51 of 1951. Section 10K of the law set aside .5 percent of gas tax revenues at both the State and the local level for nonmotorized transportation. This was later increased to 1 percent—close to \$3 million at the State level.

However, the implementation of this program has been a very different story in Michigan. Almost no nonmotorized projects have actually been funded, as changes to the original law have limited the use of the funds to projects “reasonably appurtenant to” a State highway, road or bridge, and specifically allowed the funds to be used for the paving of gravel roads.¹⁶

Massachusetts has legislation pending to create a bike fund similar to the Oregon program, and recent efforts in Maryland failed to create such a dedicated fund. Washington has a one-third of one percent set of transportation funds dedicated to bicycle projects.

2) Set-aside funds—bicycle accounts.

California has two State set-aside programs.

- a) Section 2106 (b) of the Streets and Highways Code transfers \$360,000 to a Bicycle Lane Account (BLA) from the revenue derived from the excise tax on motor vehicle fuel.¹⁷

The BLA is administered by the Office of Bicycle Facilities established by the California Department of Transportation (Caltrans). Funds are allocated to cities and counties.

For a project to be funded from the BLA, the project:

- i) shall be approximately parallel to State, county, or city roadways, where the separation of bicycle traffic from motor vehicle traffic will increase the traffic capacity of the roadway. (Section 2383)
- ii) shall serve the functional needs of commuting bicyclists; and
- iii) shall include but not be limited to:
 - new bikeways serving major transportation corridors;
 - new bikeways removing travel barriers to potential bicycle commuters;
 - secure bicycle parking at employment centers, park and ride lots, and transit terminals;
 - bicycle-carrying facilities on public transit vehicles;
 - installation of traffic control devices to improve the safety and efficiency of bicycle travel;
 - elimination of hazardous conditions on existing bikeways serving a utility purpose;
 - planning; and
 - safety and education.

Sections 2386 and 2388 specifically exclude the use of these funds for maintenance purposes. In allocating funds, due consideration is given to the relative cost effectiveness of the proposed work, and to ensure that all bikeway projects comply with minimum safety design criteria and other specifications developed by the Department.

- b) Section 157.4 of the Streets and Highway Code requires Caltrans to set aside \$360,000 for the construction of nonmotorized transportation facilities that will be used in conjunction with the State highway system. This **State Highway Account** fund is also administered by the Office of Bicycle Facilities.

Funding is divided into different project categories. Minor B projects (less than \$42,000) are funded by a lump-sum allocation by the California Transportation Commission (CTC) and are used at the discretion of each Caltrans District office.

Minor A projects (estimated to cost between \$42,000 and \$300,000) must be approved by the CTC. Major projects (more than \$300,000) must be included in the State Transportation Improvement Program and approved by the CTC.

Projects funded under this program include a pedestrian undercrossing (Los Angeles County), pedestrian chain-link fencing (Santa Clara County), bicycle paths (Marin and Contra Costa Counties), and bicycle warning sign installation (Humboldt County). In 1990-91, these funds were not utilized "because of priorities for other transportation improvements."

In January 1992, S.B 1141 was reintroduced into the California State legislature. If passed, this bill would have increased funds for the State Highway Account from \$360,000 to \$5 million a year, and require Caltrans to apply for all Federal funds that benefit bicycle programs. In addition, the bill would make the funds eligible for use in maintaining nonmotorized facilities. The bill was not passed in 1992.

Contact: Richard Blunden, Office of Bicycle Facilities, Caltrans, P.O. Box 942874, Sacramento, CA 92474

- c) Tax receipts

In 1989, the **Illinois** legislature passed the Department of Conservation Trail bill, under which \$1.50 from every automobile title transfer is placed into a special fund for "bicycle path development." The estimated annual income from this source is close to \$5 million.

Half of the funds are to be spent on trails developed and maintained by the Department of Conservation directly, and the remaining 50 percent is allocated to a matching grant fund for local units of government for trail development. Trail improvement projects are limited to a maximum cost of \$200,000.

While the primary focus of the fund is trails, the term bicycle path development has been defined to include on-street improvements.¹⁸

Contact: Illinois Department of Conservation, Lincoln Tower Plaza, 524 S. Second St., Springfield, IL 62701

California has a wide range of funding opportunities for bicycle and pedestrian facilities, including a share of the receipts of a statewide retail sales tax.

In 1972, the Transportation Development Act (TDA) created a Local Transportation Fund (LTF) in each county and specified that each LTF is to receive one quarter of a cent of the 6-cent retail sales tax collected statewide. Up to 2 percent of available funds can be set aside for pedestrian and bicycle facilities, and 5 percent can be spent on supplementing other funds to implement bicycle safety education programs, but not to cover the full salary costs of any one person.

For fiscal year 1991-92, the County of Los Angeles will receive approximately \$1.7 million from this source. The City of Santa Monica will receive \$25,000 and Pasadena, \$37,000.¹⁹

The City of San Diego used \$12,000 of LTF money to print and disseminate bicycle safety posters on the back of city buses in 1990.²⁰

Contact: Michael Jackson, Bicycle Coordinator, City of San Diego, 1222 First Ave., MS-405, San Diego, CA 92101

In 1988 the **Iowa** legislature created the Recreational Trails Program in the Department of Transportation, and requested that \$1 million from the Road Use Tax Fund be appropriated each year to sustain the program.²¹

State or local government agencies, municipal corporations, counties, and non-profit corporations may apply for these funds. Eligible activities include land acquisition, trail surfacing, bridge and culvert repair, intersection and interchange improvements, construction or improvement of rest areas, signing, landscaping, and most other construction costs. Maintenance costs are not eligible.

In 1989, the first year of funding, 52 applications were submitted for projects. The lowest cost proposal was \$6,200 and the most expensive was more than \$2,300,000. Eleven projects were eventually accepted, with a total project cost of \$3,690,000, of which \$2,380,000 will be provided from the trails fund.

Contact: Nancy Burns, Iowa DOT, Trails Coordinator, 800 Lincoln Ave., Ames, IA 50010

State Department of Transportation Allocations

1) Bicycle line items

Two of the States with the best bicycle programs in the country have, over a number of years, developed support for significant funding in the routine budget of the transportation and other departments.

In **Minnesota**, \$4.3 million was allocated to the State Bicycle Program for 1990, with \$2.2 million coming from the Department of Transportation, \$1.8 million from the Department of Natural Resources, and the remaining \$300,000 from a variety of education, academic, and safety budgets:²²

Dept. of Transportation	\$2.2 million
Dept. of Natural Resources	\$1.8 million
Dept. of Education	\$ 75,000
Dept. of Public Safety	\$155,000
Dept. of Public Service	\$ 20,000
Legislative Commission on Minn. Resources	\$ 60,000
Univ. of Minn. Transportation Studies	\$ 30,000

This total is an estimate, as many of the expenditures are integral parts of larger projects, or are staff costs that are not separated out in the relevant agency budget.

Expenditures have included on-street and trail facility development, education and safety programs, commuter encouragement programs, staff costs, running a voluntary bicycle registration scheme, and programs directed specifically at the University of Minnesota campus and students.

The Comprehensive State Bicycle Plan developed by the State Bicycle Advisory Board in 1991, and adopted in February 1992, calls for an increase in expenditure to as much as \$10 million per annum over the next 7 years. This is anticipated to yield an additional tax and public savings of at least \$13 million per year by 1999.²³

Contact: Jim Dustrude, Minnesota State Bicycle Coordinator, 807 Transportation Building, St. Paul, MN 55155

The State of **North Carolina** has had an active bicycle program since the early 1970s and has slowly increased the level of State expenditure on bicycle facilities as the program has developed. The program has also made use of a wide range of Federal, State, and local funds, and even public donations.²⁴

Although the bike program started in 1974, bicycle facilities were not an eligible expenditure for State transportation funds until 1977. It was another 10 years before

funds (\$250,000) for bicycle projects were included in the State Transportation Improvement Program (TIP). In 1991, this figure reached \$1 million.

In December 1988, the North Carolina Board of Transportation adopted a TIP for 1989-92, which included 70 incidental projects as part of proposed highway improvements and another 40 independent bicycle projects.²⁵ Included in the TIP were projects to widen and add shoulders, stripe bike lanes, sign bike routes, develop bike maps, install bicycle parking, and develop safety materials.

Initially it had been intended to use Federal funds (Section 217) for these projects. However, the State found the process required by the regional office of the FHWA to be too cumbersome. Not only were bike projects held up, but the bike projects held up everything else the Department of Transportation wanted to do. As a consequence, the decision was taken to use exclusively State-generated funds for these bicycle improvements.

Since then, the Federal Government has identified expedited procedures for obtaining Section 217 funds to alleviate problems such as this.²⁶

The North Carolina Bicycle Program publishes a fact sheet on the TIP process, "From Need to Bicycle Improvement."

Contact: Curtis Yates, North Carolina DOT, P.O. Box 25201, Raleigh, NC 27611

2) No bicycle line items

In almost complete contrast to this approach, the State of **Florida** has invested up to \$10 million annually in highway improvements for bicyclists and pedestrians without a specific line item in the Department of Transportation budget for these activities. Instead, the program has managed to incorporate bicycle and pedestrian improvements into the routine design and construction process of the DOT.²⁷

According to the Florida Bicycle Program Aluminum Anniversary Progress Report of November 1, 1989:

"Through policy decisions within the Department [of Transportation] between \$8-12 million in bicycle-friendly highway improvements are made to the urban area State highway system each year. At least six of Florida's counties have adopted similar policies."

"The returns of this work and commitment by the Department are now obvious in new paved shoulders, wide curb lanes, bike lanes, and other highway retrofitting. It is estimated that the total monetary investment into bicycling by the Department by incorporating bicycle-friendly designs now

exceeds \$100 million. Since this is an ongoing policy commitment the returns in the next decade could be an added \$100-200 million. It is likely the State also saves a minimum of \$1 million per year in tort liability cases that are not brought against the Department, since most facilities are now built correctly."

Contact: Dan Burden, Florida DOT, State Bicycle Program, 605 Suwannee St., MS-82, Tallahassee, FL 32399

Citizen Initiatives

In 1990 California voters passed a number of ballot initiatives to generate funds for transportation projects. These have usually included some specific mention of nonmotorized facilities.

Proposition 108. The Commuter and Urban Rail Transit and Intercity Rail Program provides funding for bicycle projects where they interface with transit and commuter rail programs.

Proposition 111. A 5-cent increase in the State gasoline tax will generate \$15.5 billion of funding over 10 years for streets, highways, and transit projects aimed at reducing congestion and the environmental impact of transportation.

Bicycle facilities are eligible to receive Flexible Congestion Relief funds (\$3 billion total), Traffic Systems Management funds (\$1 billion), Environmental Enhancement and Mitigation funds (\$100 million), and funds from a development mitigation fund. The California Transportation Commission administers these funds in conjunction and with input from local agencies.

Flexible Congestion Relief funds must be used on projects which relieve traffic congestion and Traffic Systems Management funds must be used on projects that increase the number of person trips on highways without increasing the design capacity of the highway system.²⁸

Proposition 116. As part of a major public transportation bond issue, \$20 million over 5 years has been set-aside for bicycle commuting projects. Application for expenditure of these funds must go from local agencies through Caltrans regional offices and the California Transportation Commission.

In 1991, 127 projects were submitted for a combined estimated cost of more than \$27 million. Projects ranged from bike racks on buses, installing bicycle-sensitive loop detectors, replacing drainage grates, and widening existing bike lanes, through to million-dollar bikepath construction projects.²⁹

Contact: Richard Blunden, Office of Bicycle Facilities, Caltrans, P.O. Box 942874, Sacramento, CA 92474

Maintenance

Most of the funding sources listed above have been for the construction of bicycle and pedestrian facilities. Maintenance of these facilities is rarely broken out as a budget item, and in most cases the sponsoring State or local agency either explicitly or implicitly assumes the responsibility for maintenance of the facilities as part of its routine maintenance operations.

Other Sources of Funding For Construction and Nonconstruction Bicycle and Pedestrian Projects

States also engage in a wide range of activities—both construction and nonconstruction funded from sources other than a transportation department. The following list of examples is not exhaustive, but does provide a good indication of the variety of sources available in every State for these activities.

1) Governor's Energy Office (Oil Overcharge Funds)

In the 1970's the Federal Government instituted price regulations on gas and oil companies in response to the energy crisis. Many companies violated these rules and have subsequently been forced to repay the profits they made illegally. The money is distributed to each State, where Governors have been instructed to allocate the funds to projects which will reduce reliance on oil.

Well over \$3 billion has already been distributed to the States from settlements made with the offending companies, and more is still expected to become available.

The League of American Wheelmen has a detailed information packet on how to apply for these funds.³⁰ The Governor's Energy Office in each State will also provide details of the kind of projects that are eligible in each State.

Both Florida and Minnesota have made extensive use of these funds for bicycle and pedestrian program activities. In Florida, for example, staff positions and education programs have been directly funded, including:

- A full-time Bike Ed Coordinator in Polk County, Florida, and
- \$480,000 in challenge grants to fund 20 local coordinators in all the metropolitan areas of the State.³¹

The Florida Department of Transportation is also working with the Governor's Energy Office to seek a competitive bid from local communities for a \$200,000 plan to redesign major sections of a downtown and suburban area to be friendly for the older pedestrian.

Contact: Dan Burden, Florida Bicycle Program, 605 Suwannee St., MS-82, Tallahassee, Florida 32399

2) Department of Tourism, Economic Development

In both **Georgia** and **Tennessee** bicycle route maps of the State have been produced with the financial assistance of the State tourism and economic development agencies.³²

The State of **Colorado** Department of Tourism has established a 900 number for telephone inquiries about bicycling opportunities in the State, on March 1, 1992.³³

Contact: Nancy Dutko, State Bicycle Coordinator, Dept. of Highways, 4201 E. Arkansas Ave., Denver, CO 80222

3) Department of Ecology

The **Washington** State Department of Ecology has supported the efforts of local agencies with grants for planning and research activities. For example, the Pierce Transit Agency undertook an investigation into ways of incorporating bicycling and walking into their transit operations and local ridesharing programs.

Carried out by the Bicycle Federation of America, the project was supported with \$25,000 from the Department of Ecology, which intended to use the study as the basis for statewide information and promotion efforts for bicycling and walking initiatives.³⁴

4) Department of Public Safety

The **Florida** Bureau of Public Safety Management (BPSM) has provided up to \$200,000 in grants to 10 local agencies implementing the *Bike Ed* program to 3rd, 4th, and 5th grade students. *Bike Ed* is an elementary school bicycle safety program in its 10th year of operation. It was initially developed as a classroom and on-bike instruction presentation. Seven counties have 100 percent of their schools participating in the Florida Bike Ed program.

The BPSM has also pledged \$200,000 over 2 years to fund the development of interactive video teaching materials for pedestrian, bicycle, and school bus safety programs.³⁵

The **Colorado** State bicycle coordinator reports that the Transportation Safety Office of the DOT is to co-fund a video on bicycle commuting in the near future, and will provide

up to \$14,000 for a Grade School Transportation Study to be completed in five elementary schools in the State.³⁶

The **Minnesota** Department of Public Safety has funded a wide range of activities, including a Community Bicycle Safety Project and public information about bicycle safety. The safety and education activities of the State Patrol are covered in their budget as well.

5) Governor's Highway Safety Office

Refer to the discussion of NHTSA activities in the Federal funding section.

6) Division of Parks and Recreation

The **Utah** Division of Parks and Recreation distributes \$200,000 a year in funds for trail projects. The State Recreational Trails Advisory Council determines which projects are funded, and in 1991 more than 50 projects—total value, \$2.4 million—were submitted. All grants must be matched with private or public funds.

The successful 1991 projects included awards of \$50,000 towards the Historic Union Pacific Rail-to-Trail project, to be used for signing, fencing, vehicle barriers, parking lots, and bridge decks and railings. Smaller grants went to planning projects, an equestrian trail, and other trail and greenway initiatives.³⁸

7) Registration

Minnesota has a voluntary bicycle registration program that has generated as much as \$125,000 in 1 year. The Department of Public Safety, which administers the program, reports that receipts exceed costs by as much as \$50,000 per year.

Currently, around 5 percent of bicycles are registered voluntarily, at a cost of \$1.67 each. If all 2.6 million bicycles in the State were registered, \$4.3 million would be raised. Licenses are valid for 3 years.²²

8) Coastal Conservancy Funds

California communities within the coastal zone are eligible to receive funds from the Coastal Conservancy, which has a \$1 to \$1.5 million annual Coastal Access Program. Bicycle parking and bicycle access projects are eligible for these funds, which are typically in the range of \$100,000 to \$150,000.³⁸

9) Lottery receipts

A \$100,000 extension to the Boulder Creek Bike Path, a major feature of the bicycle and pedestrian network in Boulder, CO, was jointly funded by the city and a State trails fund grant using State lottery receipts.³⁶

10) Department of Health

The Vermont Department of Health co-funded a \$14,000 community bike helmet awareness program.³⁹

While many of the funding sources listed above relate directly to specific projects, it is apparent that a wide range of potential sources exists, whatever the particular project in question.

Section 3. Local Sources

The majority of facilities, provisions, and programs for bicyclists and pedestrians are implemented at the city and county level, rather than the State or Federal level. The majority of these projects are funded from a mixture of Federal, State, and local funds, and maintenance is predominantly a State and local affair.

Most Federal and State sources of funding for bicycle and pedestrian projects require a certain level of local matching funding, and the assumption of responsibility for maintenance of facilities constructed with these monies. Thus, many of the funding sources at the Federal and State level previously mentioned have also been used for projects at the local level.

The issue of matching funding and the eligibility of certain activities for State and Federal funds (such as sidewalks, which many States will not fund, preferring to leave it to the local government) is dealt with in a later section.

This section will provide a list of the sources of funds that have and can be used for full- or part-funding of bicycle and pedestrian projects at the local level. There are many sources, as at the State and Federal level, and these are often combined in a single project. Mention has already been made of the Duwamish Trail in Seattle, for which 17 different sources of funds were used.

Many communities do not have separate line items in their transportation or overall budgets for bicycle and pedestrian construction, nonconstruction, or maintenance activities. The exceptions tend to be those city and county agencies with a bicycle and/or pedestrian coordinator.

Even in these places, the size of the line item may disguise the total level of expenditure on bicycle and pedestrian activities. A typical example of this is the City of Seattle, which

averages an annual expenditure of \$4 million on bicycle facilities alone, and yet less than \$150,000 actually appears as a separate budget item.

Passage of the new ISTEA is likely to have a considerable impact on the ability of city and county government agencies, through their Metropolitan Planning Organizations (MPOs), to program the expenditure of State and Federal transportation funds. For example, the State of Washington recently completed a major construction phase of I-90 across Lake Washington in Seattle, using 90 percent Federal funds. As part of that project, at the urging of the City of Seattle and local bicycle advocates, they provided a wide, separated, 8-mile (13-km) bike and pedestrian trail costing almost \$13 million.

As a result of the ISTEA, MPOs in Transportation Management Areas (with a population over 200,000) will have the ability to require provisions such as this in Federal and State projects within their jurisdiction.

Sales Tax

On November 9, 1987, voters in San Diego County, California, passed a local sales tax ordinance imposing a 1/2-cent "transaction and use tax" solely to fund transportation improvements. The tax, to last for 20 years, is estimated to generate \$2.25 billion, and a total of \$1 million has been allocated to the provision of improved bicycle routes throughout the region.⁴⁰

Bicycle facilities are defined as:

"All purposes necessary and convenient to the design, right-of-way acquisition, and construction of facilities intended for the use by bicycles. Bicycle facilities shall also mean facilities and programs that help to encourage the use of bicycles, such as secure bicycle parking facilities, bicycle promotion programs, and bicycle safety education programs."

In addition, "All new highway projects funded with revenues as provided in this measure, which are also identified as bikeway facilities in the regional Transportation Plan, shall be required to include provision for bicycle use."

As a consequence of this level of investment, the San Diego metropolitan area in 1990 had 64 miles (103 kms) of bike paths, 334 miles (537 kms) of bike lanes, and 133 miles (214 kms) of signed bike routes. The network is expected to grow by around 30 miles (49 kms) a year, and bicycle use is expected to increase from 2.5 percent of modal split to 3.5 percent in 2010.⁴¹

Los Angeles County voters have twice voted for 1/2-cent sales tax increases to fund transportation improvements that make bicycle improvements eligible. Proposition A, passed in 1980, raises \$400 million a year for transit improvements, and bicycle park-and-ride stations are an eligible expenditure.⁴²

Proposition C, passed 10 years later for general transportation improvements, raises the same amount of money. Cities are given 20 percent of these funds, another 40 percent can be spent anywhere in the county on transportation projects (including bicycle improvements), 25 percent is reserved for freeway projects, and 10 percent for transit projects. For both these portions, bike and ride facilities are an eligible activity.

Open Space Bonds

Voters in the city of Seattle and surrounding King County voted by a substantial majority in 1989 to float a \$100 million-plus, 5-year bond issue to fund the protection and use of open space in the metropolitan area. Of this, \$33 million was reserved for trail development. The City of Seattle will receive \$5.8 million over the 5-year period for trail development and improvement—and funds have already been utilized in completing sections of the Duwamish River trail.⁴³

Mitigation Measures

A great many highway and other public works projects have a significant impact on the local environment, to the extent that they must go through an Environmental Impact Assessment. Such an assessment may result in a requirement to mitigate the negative impacts of the project.

For example, the 7-mile (11-km) Custis Trail in Arlington County, Virginia, was constructed as part of a package of mitigation measures for construction of the I-66 freeway through Northern Virginia. The trail runs parallel to the highway (in the right-of-way) and is a major pedestrian and bicycle route incorporating a number of bicycle- and pedestrian-only bridges and underpasses that cross I-66. The trail is one of the very few in the nation to have lighting, 24 hours a day.⁴⁴

Mitigation measures do not necessarily have to be implemented in the immediate vicinity of the public works project. In the city of Seattle the developers of a major, regionwide sewage treatment plant are being required to provide mitigation measures to the tune of \$25 million. The funds have to be used for projects along a waterfront area, and \$17 million remains uncommitted. A portion of this is expected to be used for trails.⁴⁵

In Los Angeles County mitigation fees are extracted from developers whose projects do not conform with Congestion Management Plan guidelines. Funds may be used for congestion reduction projects, including bicycle facility improvements.⁴⁶

Developer Dedications

Bicycle Forum #27 contains an excellent article on the details of using developer dedications to get more and better facilities for bicyclists and pedestrians.⁴⁷ In brief, developer dedications are a method of requiring certain actions of developers as part of the terms of allowing a larger project to go forward.

For example, improvements to a riverfront trail in Eugene, Oregon, were required of a restaurant owner developing a new location. After initial resistance, the developer subsequently enhanced bicycling opportunities even further by installing bicycle parking facilities on the trail.⁴⁸

In Arlington County, Virginia, developers of new office and residential apartments are required to provide a minimum level of bicycle parking stands, and in many other communities around the country new office, commercial, and residential building must provide bicycle parking.⁴⁹

The City of Los Angeles voted, November 5, 1991, to also require new developments to contain specified minimum levels of shower and locker facilities.⁵⁰

Restoration

A number of major bicycle and pedestrian trail facilities around the country have been funded at no direct cost to taxpayers as a result of city and county agency requirements that developers restore right-of-way surfaces to the benefit of nonmotorized users.

The Washington and Old Dominion Trail in northern Virginia is owned in part by the local telephone company which, after laying telephone cables along the length of the abandoned railroad corridor, replaced the surface of the corridor with an asphalt trail. Similarly, sections of the 12-mile (20-km) Burke-Gilman trail in Seattle have been developed in this fashion, after Cable TV companies dug up the right-of-way to lay cable. In Seattle, construction and development of sections of this trail can cost up to \$1 million a mile (\$650,000 per kilometer).⁵¹

Public Agency Land and Funds

In completing the Duwamish Trail in the Seattle, two public agencies were crucial in providing land, funds, and labor. Part of the trail passes through Port of Seattle land, and the right-of-way was donated. The Port of Seattle also provided some funds to complete this section of the trail.

Seattle Metro was also involved, providing mitigation funds and restoration work in conjunction with their own projects along the trail corridor.⁵²

Motor Vehicle Taxes

Pollution problems caused by motor vehicle traffic and other sources in the Los Angeles area have spawned numerous programs to promote alternative modes of transportation, transportation demand management, and other pollution abatement initiatives. These in turn have required new sources of funds.

Increased motor vehicle registration fees have been used to fund various air pollution reduction facilities and programs in the South Coast Air Basin (SCAB) under the provisions of

State Assembly Bill 2766. More than \$20 million will be made available to the SCAB in 1991-92. This will rise to close to \$40 million in subsequent years.⁵³

As with other similar funds in the Los Angeles area, bicycle and pedestrian facilities and programs designed to reduce air pollution would be eligible for money under this initiative.

Street Utility Tax

The city of Seattle is considering introduction of a Street Utility Tax on area employers and households, as a means of charging users for the use of the highways and streets. A \$2-per-month charge would be levied on each employee and each household in the city, raising approximately \$14 million annually. Twenty percent of these funds would be set-aside for neighborhood traffic control measures—such as speed humps, traffic circles, sidewalks, and trails.⁵⁴

Parks and Recreation Department Funds

In many communities responsibility for some (if not all) bicycle and walking activities comes under the jurisdiction of the Parks and Recreation Department.

In both Seattle and Arlington County, Virginia, the Parks and Recreation Departments are responsible for trail maintenance—and in some locations trail construction and development—while the on-street facilities and maintenance are dealt with by the Public Works or Engineering Department.

In Arlington County the Parks and Recreation Department maintains a trail maintenance crew of two, and for most months of the year their major responsibility is the upkeep of the trail system in the county. This costs an estimated \$40-50,000 per annum.⁵⁵

Transportation Department Funds

The largest source of funds for bicycle and pedestrian facilities and programs comes from the regular transportation funds of cities and counties. The sources of these general funds may include sales tax receipts, motor vehicle registration and licensing fees, real estate and gasoline taxes, and various transportation-related bond issues. Funds from State and Federal sources will also be utilized by local transportation agencies.

Once again, however, the ways in which the allocations and budgets are made differ widely between those places with strict line-item budget allocations to specific programs and those where the actual expenditure on bicycle and pedestrian facilities is high but this does not show up in the budget as a bicycle item.

1) Small Line Item

The city of Dallas adopted an ambitious bike plan in 1985 calling for a network of 480 miles (770 kms) of signed bike routes. By the end of 1992, 370 miles (600 kms) of the network was signed. The total budget for signing, a full-time staff position, and an extensive education program (carried out in cooperation with the police) is just \$50,000 a year in a metropolitan area with 18,000 highway miles (29,000 kms) and 3 million inhabitants.⁵⁶

Each year the city council threatens to cut the program entirely, and does not allocate any other funds to the program. In the 7 years since the plan was adopted, only 20 miles (32 kms) of new highways have been added with wide curb lanes.

2) Minimum Allocation of Funds

Cities in Oregon know they are going to get a certain allocation of funds from the State transportation fund as a result of ORS 366.514. Each city and county has to spend 1 percent of the funds they get from the State on bicycle and pedestrian facilities. For the city of Eugene, this amounted to \$45,000 in 1991.⁵⁷

Communities are allowed to accumulate funds from this source over a 10-year period. This makes a lot of sense for small communities, such as Florence, Oregon, where the annual allocation of only \$1,200 is very small. Florence has accumulated \$11,000 over the last 10 years and can now invest in a more substantial project.⁵⁸

Over the last 10 years Eugene, Oregon, has accumulated \$250,000. In fact, Eugene spends more than this each year on improving conditions for bicyclists and pedestrians. In 1990 the city allocated \$110,000 to the program, of which roughly half is spent on salaries and administration.

The city now has more than 80 miles (130 kms) of bikeways, and almost \$2 million has been spent over the last 20 years in providing four pedestrian and bicycle bridges over the Willamette River. One of these was funded with Federal Highway Administration demonstration bikeway funds in the late 1970s, and another was partially funded by power, sewer, and telephone companies in the area who cooperated in the construction of a bridge carrying phone, sewer, and power lines across the river.

The City of Portland spends an average of \$160,000, the majority of which comes from the State highway fund.⁵⁹ The funds can be used for costs of the bicycle program staff, preliminary engineering costs, construction costs for bikeway and footpath facilities within the highway right-of-way, auxiliary facilities such as curb cuts and ramps, maintenance of the facilities, and the production of maps and brochures. The funds may not be used for education.

The city has a 65-mile (105-km) network of bikeways, and also maintains 40 bicycle lockers in the downtown area. More than 100 curb cuts and ramps are installed each year by the city's Alternative Transportation Program.

3) Small Budget—High Expenditure Overall

The city of Seattle is a prime example of a city where the actual line item in the city budget is small, but actual expenditures on bicycle and pedestrian provision are considerable.

Each year the city spends an average of \$4 million on bicycle improvements. In the 1992 budget, \$114,000 was allocated to the Bike-Spot program and \$22,000 to bikeway planning. The Open Space Bond funds (\$1.2 million) are itemized.⁶⁰

The Bike-Spot Improvement Program is a special initiative devoted to low-cost and small-scale improvements such as pothole filling, sewer-grate replacement, sign replacement, and parking rack installation. Citizens are able to recommend improvements by way of a postpaid card asking for suggestions and available at bike shops and city buildings. The city has also developed a Pedestrian Spot Improvement Program.

The city budget contains \$440,000 for a program of installing curbcuts and walkways—but there is no other line item to pay for the pedestrian program. The bicycle and pedestrian program has five full-time staff.

4) Significant Budget Allocation

The City of Tucson, Arizona, has an annual capital improvement program budget for bikeways of \$240,000 (1990), not including the cost of a full-time Alternate Modes Coordinator.⁶¹ Most of the funds are from the city's General Fund, but use is also made of Federal transportation planning funds and some Federal Transit Administration (FTA) funds.

In addition to this, the costs of bike lanes on new or rehabilitated roads are assumed by the city's road construction budget, as bike lanes are required in these projects. The city now has more than 300 miles (480 kms) of bike lanes.

Arlington County, Virginia, maintains an annual budget of around \$200,000 for its bicycle program and has an 85-mile (137-km) network of bikeways. Over 90 percent of the residents of the county live within one-quarter mile of the bikeway network.⁶²

5) No Itemized Budget

For a city such as Madison, Wisconsin, a bicycle and pedestrian program is simply a routine part of the operation of the Department of Transportation. The city began including bike facilities in its City Master Plan starting in 1972 and currently has more than 100 miles of signed and striped bikeways.

The staff costs of the full-time bicycle and pedestrian coordinator and the capital costs—of somewhere between \$80-150,000 annually—are simply part of the overall DOT budget. There are no special operating, maintenance, or capital budget headings for the program.⁶³

The city of Palo Alto, California, is recognized as one of the most bicycle-friendly cities in the United States and yet has no bicycle coordinator and no identifiable bicycle facilities budget. Bicycle provision has been built into the routine operation of the city traffic department, and they also have various development policies and standards that ensure a bicycle-friendly infrastructure is created as the city grows.

6) Special Projects

The Chicago metropolitan area recently initiated a major congestion-relief program called "Operation Greenlight." Under this program two excellent reports on bicycle and pedestrian access issues have been produced, and a special funding mechanism has been put in place for congestion-relief projects.⁶⁴

As part of Operation Greenlight, \$75 million has been made available for 1992-95 to fund improvements to the transit system. Local municipalities are encouraged to submit applications for demonstration projects, which must cost at least \$20,000, with no upper limit. There are more than 200 suburban rail stations in the Chicago area.⁶⁵

The city of Schaumburg, IL, has had a \$100,000 bicycle-transit project approved under this program. The funds are to be spent on trail access to the commuter rail station, bicycle lockers, shelters, and parking stands. In downtown Chicago, there is a proposal to build a major bicycle parking garage with these funds.

Donations

In 1990, the Broward County, Florida, Bicycle Advisory Committee created a special fund to receive donations from the public and from corporations in order to generate funds for the bicycle and pedestrian program in the County.⁶⁶

In a similar vein, the North Carolina Department of Transportation's Bicycle Program has received donations from the public and from bicycle-related events, and has used such funds

for activities which might not be an appropriate use of State funds, for example, appreciation awards to volunteers who have served on the State Bicycle Advisory Committee.⁶⁷

Fundraising Rides and Events

Bicycle rides and walking events are among the two greatest sources of funds for charitable organizations such as the American Lung Association and American Heart Foundation. A small number of these events have been used to generate funds for local bicycle programs and have been very successful.

The Cascade Bicycle Club organizes the annual Seattle To Portland ride, which raises sufficient funds to enable Cascade to employ a full-time bicycle education specialist and to support a wide variety of other activities, including the provision of bicycle parking racks and legislative initiatives.

The Thunder Road Bikeathon, organized each year in the Dayton, Ohio area, raises funds to staff the local Miami Valley Regional Bicycle Committee with a full-time Executive Director and also to fund small-scale bicycle projects of benefit to the region. Similarly, the Washington, DC, Capital Bikeathon generates sufficient funds for the Washington Area Bicyclist Association to have a full-time Executive Director.

Bicycle Registration

The City of Madison operates one of the few citywide mandatory bicycle registration programs in the nation, and has been enforced by the Police Department for 11 years. Ten uniformed civilians work from April through September each year issuing citations for various bicycle traffic law infractions, including having an unregistered bicycle.⁶⁸

The cost of this enforcement effort approaches \$30,000 a year and is only just covered by the costs of the registration funds received by the city. The program is not seen by the city as a source of revenue for other bicycle program activities.

Other registration programs operate in Washington, DC, Ann Arbor, Michigan (where \$2.50 buys registration for life, and less than 20 percent of bikes are registered), and Missoula, Montana (where a \$5 fee pays for a 3-year registration and a full-color bike map of the city, and 40 percent of bikes are registered).

2. Problems and Issues

During the compilation of this report a number of specific issues prompted much discussion, comment, and debate. The reauthorization of Federal transportation legislation during the period of the study provided a unique opportunity to hear differences of opinion debated at the Federal, State, and local level.

Routine Inclusion of Nonmotorized Modes

Some States and cities have virtually no identifiable budget for nonmotorized programs and yet significant investments are made in facilities and other initiatives. Providing bicycling and walking facilities becomes part of the routine operation of government, and the policies and standards of the relevant highway agency ensure the inclusion of sidewalks, crosswalks, shoulders, and wide-curb lanes in all projects.

During the debate over the ISTEA, however, Rep. Jim Oberstar (D-MN) heard opposition to his proposal to require such a provision in all Federal-aid highway projects (with some exclusions to this general rule), particularly from rural States, as this would be too great a burden and cost to the highway agencies.⁶⁹

A compromise was eventually reached whereby facilities identified in State and local plans must be incorporated in transportation projects funded with Federal money. The question then becomes one of accounting practices. Do the facilities provided as part of the project get accounted for a bicycle and pedestrian project, or simply as part of the overall project?

This becomes particularly relevant in relation to the new Federal funding category of transportation enhancement activities. When does a facility turn from a routine part of good highway design into a special enhancement feature eligible for funding under this new program?

In the 1991 AASHTO "Guide to the Development of Bicycle Facilities," there is an assumption that bicyclists are going to use every highway they are legally allowed to use. As such, the Guide states:

"All new highways, except those where bicyclists will be legally prohibited, should be designed and constructed under the assumption that they will be used

by bicyclists. Bicycle-safe design practices, as described in this Guide, should be followed to avoid the necessity for costly subsequent improvements.”⁷⁰

Thus, a basic level of provision for bicyclists and pedestrians should be incorporated into good highway design—just as sight distances and horizontal elevations are factored into good highway design practices.

Dedicated Funds or Competition with Other Sources?

When Rep. Joe Kennedy (D-MA) introduced H.R. 2101, requiring States to spend at least 3 percent of their Federal transportation funds on bicycle and pedestrian facilities, he immediately sparked a debate as to the efficacy and desirability of creating special set-aside funds for bicycle and pedestrian provisions.⁷¹

Those who would prefer no set-aside include many State agencies who object to any infringement on their ability to determine the best use of their transportation dollars, and also those who believe strongly that bicycle and pedestrian provisions should be a routine part of transportation department activities and that creating a set-aside program further marginalizes the two modes.

Those supporting the “3 Percent Solution” point out that States had been given permissive authority to invest in bicycle and pedestrian provision under Section 217 of the old Federal-aid funding system, and that most States did nothing as a result. A set-aside fund was clearly needed as a means to pump-prime investment in the nonmotorized modes, and that as long as States had to choose between either nonmotorized facilities or other highway projects they would always choose the latter.

The proponents of this argument point to the success of Oregon in generating and spending significant funds in developing a State and local infrastructure that is conducive to bicycling and walking. This was achieved with a 1 percent set-aside program. However, almost exactly the same program was put in place in Michigan, and 20 years later nothing much has happened.

In the end, the ISTEA found some middle ground. Bicycle and pedestrian projects remain eligible for most categories of transportation expenditures where they must compete with all other demands for attention, and the enhancements category (or set-aside) provides a guaranteed source of funds for a small range of activities, including bicycle and pedestrian provision and rail-trail development.

It remains to be seen what this new program will mean in States that have traditionally done nothing to invest in the nonmotorized modes. It may still be necessary to require a minimum level of investment from States who fail to use these new opportunities and regulations governing transportation expenditures.

Advocates at the State and local level may still adopt the "3 Percent Solution" slogan for their efforts to guarantee a minimum level of expenditure on the nonmotorized modes.

Matching Ratios

The new ISTEA changes the old level of matching ratios for bicycle and pedestrian projects under the Federal-aid highway program. Under the old Section 217, 100 percent of the funds used for independent bicycle and pedestrian provisions could be Federal funds. In contrast to every other part of the Federal-aid program, the State would have to contribute nothing to the project costs.

Ohio, Vermont, and the District of Columbia made good use of this element of the program, which was supposed to be a major inducement to States to use the funds and invest in bicycle and walking provisions. As we have seen, however, for most States the attraction of 100 percent Federal funds was not sufficient to encourage them to spend their [limited] highway dollars on bicycle and pedestrian provisions rather than other highway projects—even though these other activities could only receive 75 percent Federal funding.

As the 100 percent matching ratio appeared to have little impact on the choice of investment by States, no significant effort was exerted to try and change the proposed ISTEA matching ratio of only 80 percent Federal and 20 percent State funding.

This was particularly evident as it became apparent that the Federal match was to be 80 percent for virtually every transportation investment under the new legislation. Bicycle and pedestrian advocates did not feel able to justify special treatment above that given to transit, traffic management improvements, maintenance, and other activities, when similar special treatment had such little impact in the preceding 20 years.

The transit title of the ISTEA did not alter the Federal share for transit access projects. It remains at 90 percent.

In reviewing the many sources of funds used for bicycle and pedestrian improvements, it is clear that few projects are funded with just one source of money. Almost all Federal and State funding mechanisms require matching funds from another source.

Definitions and Administrative Problems

Throughout the 1980s, State and local governments experienced administrative problems in accessing Federal highway and highway safety program dollars. Many of these obstacles have been removed in the last 2 years.

On August 7, 1991, the Federal Highway Administration (FHWA) issued guidelines to simplify the procedures for accessing Section 217 bicycle and pedestrian funds, following representations from some States, including North Carolina.⁷²

Further circulars relating to the implementation of the new ISTEA provide further opportunities to clarify and simplify the procedures by which States can obtain project approval for projects funded with Federal dollars.⁷³

The October 4, 1991, action by FHWA and NHTSA to add bicycle and pedestrian safety to their list of priority areas eligible for an expedited funding procedure for Section 402 safety funds will make it significantly easier for State and local agencies to obtain these funds.⁷⁴

There are still a number of definitions and administrative procedures that hamper the effective use of Federal, State, and local funding sources.

Transportation Versus Recreation Purpose

National Highway System and Surface Transportation Program funds in the new ISTEA can only be used for bicycle facilities if they are "principally for transportation rather than recreation purposes."⁷⁵

Conversely, Land and Water Conservation program funds and the new Recreational Trails Fund can only be used for facilities serving recreational needs. Many State funding sources (for example, the Caltrans Bicycle Lane Account) make the same distinction between recreation and transportation purposes.

Two immediate questions arise. Why is the distinction made between recreation and transportation purposes only in relation to facilities for the nonmotorized? Scenic highways and routes that are clearly designed for recreational activities (or to access recreational facilities) are eligible for Federal transportation funds. Highway projects are not assessed to determine the percentage of drivers who will use the facility for recreational driving or transportation purposes, commuting, or social activities.

Secondly, what constitutes "principally for transportation rather than recreation"? The Federal Highway Administration has adopted a broad interpretation of the phrase, such that everything except a circular trail in a park is likely to have some transportation purpose, and therefore is eligible for Federal highway funds.⁷⁶

Such a broad definition has not always been adopted. The Bicycle Lane Account in California is supposed to be available only for "projects that serve the functional needs of commuting bicyclists," suggesting that only bicycle commuting is considered "transportation." Other funding sources in California are also targeted at commuter bicyclists only.⁷⁷

The distinction has been important in relation to facilities such as trails, especially those in suburban or rural areas where no obvious transportation use exists. Should these be eligible for transportation funds or not?

Although the distinction persists, the FHWA definition of "transportation purposes" is not very restrictive, and in compiling this report no obvious cases were found of projects failing to find funding because this distinction was made.

"Access" to Transit Facilities

Federal Transit Administration funds are available to fund projects that enhance bicycle access to transit facilities. Section 25 of the Mass Transportation Act allows funds under Sections 3, 9, and 18 to be used for these purposes, upon request.

Funding requests for bicycle parking facilities at stations and racks for buses to carry bicycles have been received and funded, but projects designed to provide trails or bikeways to provide quicker, safer, and easier access to stations have not been requested or funded to date.

By contrast, the "Operation Greenlight" funds allocated to improving transit in the Chicago metropolitan area have been made available for facilities to provide better access to the stations themselves. This broader definition clearly makes better sense.

Combining Bicycling and Walking Programs

There are many more examples of funded bicycle projects and programs than there are pedestrian projects. Where bicycle and pedestrian programs have been combined into one staff position and one program, invariably implementation has primarily concentrated on bicycle projects.

This is certainly partly because the notion of a special pedestrian program and/or staff person is much newer than that of a bicycle program, and the pedestrian responsibility is usually added on to an existing bicycle program.

Pedestrian advocates have expressed concern, however, that combining the functions and programs of both bicycle and pedestrian issues will leave pedestrian concerns under-represented and further marginalized than at present.

There is particular concern that bicyclists will more frequently be lumped together on the same facilities with pedestrians—although this is also a real fear of the bicycle community!

Provided there is a clear understanding that while pedestrians and bicyclists may have many of the same problems, the solutions to those problems will involve different facilities and approaches, the pedestrian issue has much to gain from cooperation with the bicycle movement.

The new ISTEA contains a great deal more of benefit to pedestrians than previous legislation, and this is almost entirely due to the efforts of the bicycle community. At the State and local level, many of the gains for pedestrians have been proposed and implemented by people who are also involved in bicycle programs.

Maintenance Budgets and Programs

Maintenance budgets for bicycle and pedestrian facilities and programs were very hard to identify. In most cases, State and local agencies want to have maintenance carried out as part of their routine highway maintenance program—with some exceptions.

For example, the Oregon bikeway program staff want to have a separate bikeways maintenance budget so they can ensure the regular and adequate sweeping of the shoulder bikeways prevalent throughout the State. The routine State highway maintenance program leaves a build-up of gravel and sand on these routes, making them unusable. By having a separate budget, the staff will be better able to direct maintenance crews to do what is necessary.⁷⁸

In Minnesota, however, quite the reverse is true. There the bicycle program staff are happy to have bikeways maintained as part of the routine agency maintenance program, as they are good at clearing and sweeping the shoulders and other places cyclists ride.⁷⁹

But there is always a conflict over the maintenance of separate trails. The MN/DOT usually tries to pass down the maintenance responsibility to local agencies, who may not be willing to assume it. In some cases, this responsibility may be assumed by a parks agency, but this cannot be guaranteed.

Bicycle and pedestrian facilities often do suffer from a lack of routine maintenance. The Oregon approach of having an identifiable budget for maintenance may enable bicycle and pedestrian program staff to keep facilities usable and safe.

Registration, Licensing, and Taxation

Since the creation of the Federal highway trust fund and the many State-level equivalents, it has been argued that bicycle and pedestrian provisions should not be funded from this source as the beneficiaries do not pay into the fund.

Besides the fact that most bicyclists do contribute to the trust fund through gasoline purchases, and that the fund is dedicated to highway use not just motor vehicle use, and leaving aside the fact that gasoline taxes do not begin to cover the direct or indirect costs of automobile provision, the legality of using highway trust funds for bicycle and pedestrian facilities has been the subject of legal opinion.

In an opinion of the Iowa Attorney General, from April 4, 1988, it was stated that highway user fees and taxes:

“may be used for the construction, maintenance, and supervision of roads or other ways for bicycle use when such bikeways are reasonably appropriate to provide for safe and efficient bicycle travel as a complement to highway travel. This can include expenditures as part of a highway construction project or separately for the purposes of widening roads or other thoroughfares for bicycle use or the construction of separate bikeways where that is more appropriate.”⁸⁰

The League of American Wheelmen adopted a Policy Statement on the issue of licensing and taxation of bicyclists that provides a useful discussion of the issues.⁸¹ They oppose the imposition of user fees on bicyclists, believing that such taxes:

- are not justified;
- will not normally raise sufficient funds to make it worthwhile;
- will not alter the opinion of drivers who do not believe bicyclists should be on the roads; and
- may jeopardize existing funding sources.

However, the League does not oppose the implementation of registration programs to deter theft and to provide rider identification in the case of an accident.

As a source of funds for programs, registration and licensing programs have not been successful for bicycle activities and have not been tried for pedestrian activities. The collection mechanism and administration of some form of licensing or registration for bicyclists are difficult enough. For pedestrians the notion is unlikely to be any simpler as there is nothing to register or tax.

3. Conclusions and Recommendations

- 1. There is money available for bicycle and pedestrian programs and facilities at the Federal, State, and local level.**

Federal, State, and local government agencies invest billions of dollars every year in the nation's transportation system. Public and private corporations and institutions are involved in development projects, policy development, planning, and a host of other activities that can incorporate and integrate provisions, standards, rules, and regulations to improve conditions for pedestrians and bicyclists.

- 2. Funding sources need to be better identified.**

One of the greatest barriers to the use of these funds is lack of knowledge of their existence. People do not realize the range of opportunities that exist.

At the Federal, State, and local government level there is a need for better information on the availability of funds. Locally generated brochures or reports can help identify and publicize the opportunities that do exist—rather like the FHWA brochure published in 1990 detailing the availability of Federal funds for bicycle and pedestrian projects. This brochure will be updated to reflect the new provisions in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

- 3. Individual bicycle and pedestrian projects almost always involve multiple funding sources.**

Whenever Federal funds are used for bicycle and pedestrian projects, a certain level of State and/or local matching funding is required. State funds are often available to local governments on the same terms. Almost every bicycle and pedestrian program and facility identified in this report has more than one funding source, and it often takes a good deal of coordination and opportunism to pull the various sources together.

In places where this has successfully been achieved, there is usually a full-time bicycle/pedestrian coordinator working in the Government. Cities such as Seattle, Washington; San Diego, California; Portland, Oregon; and Arlington, Virginia; and States like Oregon, Minnesota, and North Carolina are prime examples.

Bicycle/pedestrian coordinators are also in a good position to influence regulations, plans, and policies that impact highway design and location and development requirements that can be used to improve conditions for bicyclists and pedestrians.

4. The money is available, but most State and local government agencies still do not invest in better conditions for bicyclists and pedestrians.

The examples of successful bicycle and pedestrian programs and initiatives documented in this report are not typical of the activities of most Government agencies. For example, 30 States never spent Federal highway funds under Section 217 on bicycle and pedestrian facilities. Only 3 States have ever used Oil Overcharge funds for bicycle projects. Of more than 130 urbanized areas with 200,000-plus populations in the United States, less than 30 have bicycle and/or pedestrian coordinators—and 10 of these are in Florida alone.

Thus, there is a strong argument for supporting the kind of legislation enacted in Oregon, which guarantees a minimum level of investment in bicycle and pedestrian programs. Without such a requirement, some States and localities may never make appropriate investments in making bicycling and walking safer and more attractive.

However, the availability of funds alone will not guarantee improvements, as the example of Michigan—where a similar program to that of Oregon exists on paper, but has never been implemented as well as in Oregon—clearly shows.

5. Money or services in kind can be equally valuable.

Minimum funding allocations may also have limited application as compared to policies and practices that guarantee a basic level of provision for bicyclists and pedestrians in every transportation project and new development. The major highway system throughout Florida is being transformed without the explicit expenditure of millions of dollars, because every highway project incorporates wide-curb lanes, shoulders, sidewalks, or other provisions.

The City of Seattle has shown how developer dedications and mitigation projects can be used to improve conditions and opportunities for pedestrians and bicyclists—at no direct cost to the city.

Legislative mandates for funding and a basic level of service and accessibility for bicyclists and pedestrians need to be sought and monitored by active citizen groups at the State and local level, in cooperation with Government.

6) Bicycle Program activities and provisions are better documented than pedestrian programs and activities.

The concept and implementation of specific bicycle programs has been around for more than 20 years. A great deal of experience has been developed in that time, and there is now a fairly clear idea of what constitutes a good bicycle program. Bicycle programs are one of the key ingredients for success in making cities bicycle-friendly.

The same cannot be said of pedestrian programs. Most of the pedestrian programs that do exist, such as those in Seattle, Madison, Wisconsin, and many communities in Florida, have developed out of a bicycle program. This has only occurred over the last 5 years.

Specific funding sources for pedestrian program activities are simply not identifiable in most States and local communities. States such as Maryland do not provide sidewalks as part of their State highways; Illinois will provide 50 percent funding to be matched with local funds; and Florida does include pedestrian provisions, but does not account for them separately. In each case, it is impossible to say how much is spent, and from which sources, on pedestrian provision.

This could be because pedestrian provision is more likely to be included as a routine part of highway design. For example, the Green Book ("A Policy on Geometric Design of Highways and Streets," produced by the American Association of State Highway and Transportation Officials) does include a detailed section on sidewalk design. Bicycle facility design guidelines, on the other hand, are contained in a separate publication.

7) Maintenance programs for bicycle and pedestrian facilities are rarely identifiable.

Even though the maintenance of bicycle and pedestrian facilities is crucial to their usability and the safety of pedestrians and bicyclists, very few agencies have dedicated maintenance programs or budget line items.

Ideally, as the Minnesota DOT staff say, maintenance of bicycle and pedestrian facilities should be a routine part of overall highway maintenance. When streets are swept or cleared for snow, shoulders, sidewalks, bike lanes, and other important areas of the highway right-of-way should be swept as well.

Separate trails and paths that are not part of the "highway" system present a different challenge. As with the provision of sidewalks, States often try to limit their responsibility for maintenance of these facilities, preferring to leave it to local units of Government.

There are other maintenance issues that are especially important to bicyclists and pedestrians—such as the removal of sand, gravel, and other debris that can build up on

shoulders, in bike lanes, or close to the curb. While a motorist is not inconvenienced by this, bicyclists most certainly can be.

There is no clear evidence from experience at the State and local level as to how best to tackle this. The Bike and Pedestrian Spot Improvement programs operated by the Seattle Engineering Department are very effective in dealing with isolated problems—such as potholes, missing signs, defective drainage grates, and railroad crossings—but do not tackle the routine maintenance of the entire highway and trail system.

It does seem likely that even with a routine highway maintenance program that includes upkeep of bicycle and pedestrian facilities, there will be specific maintenance tasks unique to the needs of bicyclists and pedestrians. Thus, a small budget to be used at the discretion of the bicycle program staff would seem to be appropriate in many cases.

8. Bicycling and walking should be encouraged as sensible, healthful, environmental, and economic modes of transportation and recreation.

Promoting bicycling and walking makes sense for a wide range of reasons, which are frequently cited in reports and documents relating to these two activities.

Transportation, energy, recreation, environmental, tourism, and health policies at the Federal, State, and local level should all embrace higher levels of bicycling and walking as key elements. As such, activities that promote walking and bicycling should be eligible for the expenditure of funds used in these areas.

At the Federal level, the ISTEA is a good example, as it makes bicycle and pedestrian provision an eligible activity throughout the new legislation. However, there may be major sources of funds that are not eligible for expenditure on bicycle and pedestrian facilities which should be. For example, the State of Missouri has very strict rules governing the expenditure of gasoline tax receipts that prevent spending on almost any kind of special provision for bicyclists. Barriers such as these need to be overcome.

Similarly, the somewhat artificial barrier between “transportation” and “recreation” facilities should be lowered. The current definition adopted by the Federal Highway Administration is a good starting place.

For example, “access to transit” facilities could include access facilities such as on-street routes and trails for bikes and pedestrians leading to transit stations rather than primarily lockers and parking facilities at stations and racks on buses, which is all that has been requested to date.

9. Bicyclists and pedestrians have suffered from many of the same problems over the years, but usually require different solutions.

Pedestrian groups are concerned that their needs and concerns will not be adequately addressed in programs that combine both bicyclists and pedestrians. Bicycle programs are considerably more developed and the constituency more vocal than is true for pedestrians.

In particular, there is concern that facilities designed to encourage bicycling or to make bicycling safer may not benefit pedestrians. Indeed, there is a real fear that conditions for pedestrians will significantly worsen as cyclists make more use of trails or as sidewalk space is taken up for bicycle use (either for additional lane width, or in the worst possible case, for bicycle routes actually on the sidewalks).

Bicycle professionals and advocates must be sensitive to these concerns and ensure that pedestrian needs are adequately addressed in all future developments, and in the implementation of the new ISTEA. Increased bicycle use and safety should not be achieved at the expense of pedestrian safety and increased levels of walking.

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